

FREMONT  
ANNUAL MEETING DIVISION NOTES  
FEBRUARY 1, 2006

Keith Durfey said there was a court decree that spelled out that water should be measured at the place of use for Sandy Ranch. There is some question about the notice that we sent out and what it required and whether it was appropriate or needed. Need to check into it.

There is an on-going problem with the Alexanders – apparently they don't take a lot of water but when they do they take a lot and it can dry up the other water users. Kirk said that they have met with them and they have promised to put in measuring devices but so far they have not. A letter will be sent to follow up on this.

Alexander's use water in two places – the commissioner did not mention their use from the Garkane Canal – it should be put in the report – there are no measuring devices in this area.

The question was asked about who had authority to regulate water diversions from the Garkane Canal. Apparently there is an association of sorts set up to maintain the canal – most of the users (all?) belong to the association but they have retained their individual water rights. The association has appointed a water master – does he have any authority to regulate the diversions? We said that he did to the extent that the water users had individually given him that authority or if the by-laws of the association had given that authority (that all the water users had agreed to). Otherwise, the state appointed water commissioner must do regulation of the use along the canal.

The Division will check to see which diversions do not have measuring devices and lockable, operational headgates and measuring devices. SE will need to make certain that these are in place and there is adequate follow up. Torrey canal needs to be notified that they need a lockable headgate structure.

Concern was expressed about the diversions by the National Park exceeding the irrigation duty for the area. Their water right allows a diversion of 8 cfs, they only irrigate about 77 acres. The area has not been included in a proposed determination (is this right???) but the duty in the area is about 4 af/ac. The majority of the water they divert returns quickly to the river (??) but should they be limited to be able to divert the only the total amount of water that would be required by the irrigation duty and the total of their irrigated acres?

#### COMMISSIONER EFFORTS –

Apparently Jan Ellett only made a few (3) trips to the lower end of the system and not much effort especially during the hot part of the season. Somehow the idea started that because the water commissioner was given a cell phone that the system was put on a call basis – that the commissioner only had to respond or do things when the water users called. The problem is that the water users could not always reach the commissioners cell phone and when they did, he did not always answer it or return their calls.

The Hanksville water users said there was a period of about two weeks when they went without water during the hot part of the season. The comment was made that the commissioner was too busy with his other interests to really do a good job with water distribution.

Cathy Bagley said there was a court decree that set up the commissioner's duties when the court first required that the state engineer appoint a commissioner for the Lower Fremont River. We have never seen that document and Cathy said she would send both Kirk and I a copy of it. Need to compare it to the list of duties that was determined by the water users several years ago concerning the frequency of the visits.

The water users decided a new commissioner was needed and that an advertisement should be placed in the local paper. Applications will be accepted until February 23<sup>rd</sup> and interviews will be held on March 1 at 1:00pm at the courthouse where we hold the meetings.

A budget was set but the Division has concerns whether the salary offered was adequate to attract the quality of individual needed to do a good job on the system. Lee Sim expressed those concerns in the meeting but the water users persisted in their views. The commissioner's salary was based on the following assumptions:

One trip in each month April, May, September, and October.

Trips twice a week during June, July, and August

TOTAL TRIPS – about 27

8 hours per trip = 216 hours

Time for record keeping & preparing report and other items = 34 hours

TOTAL TIME = 250 hours

ANNUAL SALARY => \$10.00 per hour => \$2500

TOTAL MILES TRAVELED => 200 miles per trip => 5400 miles

TRAVEL REIMBURSEMENT => at IRS rate of 0.445 per mile => \$2400

## **FEBRUARY 1, 2006    ANNUAL MEETING**

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There is an on-going problem with the Alexanders – apparently they don't take a lot of water but when they do they take a lot and it can dry up the other water users. Kirk said that they have met with them and they have promised to put in measuring devices but so far they have not. **WE NEED TO SEND A LETTER TO ALEXANDERS AS A FOLLOW UP TO THE NOTICE THAT WAS SENT SOMETIME AGO – THEY CAN'T USE WATER UNTIL ADEQUATE MEASURING DEVICES ARE IN PLACE. THIS SHOULD BE A CDO WITH A CAUTION THAT ENFORCEMENT WILL FOLLOW.**

Alexanders use water in two places – the commissioner did not mention their use from the Garkane Canal – it should be put in the report – there are no measuring devices in this area.

The question was asked about who had authority to regulate water diversions from the Garkane Canal. Apparently there is an association of sorts set up to maintain the canal – most of the users (all?) belong to the association but they have retained their individual water rights. The association has appointed a water master – does he have any authority to regulate the diversions? We said that he did to the extent that the water users had individually given him that authority or if the by-laws of the association had given that authority (that all the water users had agreed to). Otherwise, regulation of the use along the canal must be done by the state appointed water commissioner.

**WE NEED GENERALLY TO SEE WHICH DIVERSIONS DO NOT HAVE MEASURING DEVICES AND LOCKABLE, OPERATIONAL HEADGATES AND MEASURING DEVICES. WE NEED TO MAKE CERTAIN THAT THESE ARE IN PLACE AND THAT WE FOLLOW UP ADEQUATELY. TORREY CANAL NEEDS TO BE NOTIFIED THAT THEY NEED A LOCKABLE HEADGATE STRUCTURE.**

Concern was expressed about the diversions by the National Park exceeding the irrigation duty for the area. Their water right allows a diversion of 8 cfs, they only irrigate about 77 acres. The area has not been included in a proposed determination (is this right???) but the duty in the area is about 4 af/ac. The majority of the water they divert returns quickly to the river (??) but should they be limited to be able to divert the only the total amount of water that would be required by the irrigation duty and the total of their irrigated acres?

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